2; Skrefsrud M-5 (1870-1871) 1942 AW42 Santal AW42

583

k. Forcibly applying sindur.

To apply sindur to any girl without cooperation of the village community is called iputut. This is of two kinds. Sometimes a young man will apply sindur to a girl with her knowledge and consent, and sometimes they apply the sindur without right or reason. If a young man and a girl wish it, and they have agreed, while the parents of the girl are unwilling to bestow her on the young man, then the young man will forcibly apply sindur to the girl, after the two have talked together and decided on it. If a young man has fallen in love with a girl, and he has doubts: who knows whether they will bestow her on me or not, or whether the girl will be pleased with me or not, then the young man will apply sindur to the girl without telling her and without giving any warning. And sometimes it also happens that they defile a girl in anger, to make her become a divorcee.

[775] People say, it is told, that only the spinsters they marry will they get in the next world — but not widows or divorcees —; therefore it sometimes happens when a man's first wife is a widow or a divorcee, that in order to get a wife in the next world, he will marry or apply forcibly sindur to a spinster, whether he afterwards keeps her as his wife or not; he has made way for himself in the next world.

When a young man is going to apply sindur forcibly to a girl, he puts sindur in a leaf in a fold of his cloth, and going to a place where they fetch water or to a plain where the hook-swinging or some other festival is going on, he without warning smears the sindur on the girl's forehead. If he has no sindur, it may be done also with earth or lime. Also during a festival or when they are fetching leaves and firewood or leaves, they forcibly apply sindur to a girl. If a girl has got sindur forcibly applied to her, she has, according to the law, become the wife of the man who did it. And if she does not stay with him, she becomes a divorcee. [586]

When a young man has forcibly applied sindur to a girl, he will at once run away, fearing that the father and male relatives of the girl will thrash him. When the father and male relatives of the girl get to know that sindur has been forcibly applied to her, they become furious, and calling the village people together they go with bows and arrows to the young man's house to 'follow the bloody tracks'[88]. First they go to the headman of that village and tell him. He says to them: Please act for us in accordance with custom. They then enter the young man's courtyard and beat every single water-pot into pieces, and entering the house they break their cooking vessels and the fireplace to pieces and scatter them, and if they find the young man there, they bind him and beat him, so that he lies there done for, they leave him only his life, — thereupon they lay him down in the middle of the courtyard and go to hunt for castrated goats or pigs. If they find goats, they kill two with a battle-axe, and if pigs, they shoot and kill two with bow and arrow. Thereupon they go to the cattle-herd to seize some cattle. They drive some three pairs

[88] A common expression used about the forcible application of sindur to a girl, is that a leopard has clawed her; this may be another way of showing their attitude towards the act.

21 Skrefsrud M-5 (1870-1871) 1942 AW42 Santal AW42

c. Divorce.

Formerly people were separated only for two reasons, viz., the woman's adultery and witchcraft. Nowadays, if husband and wife will not live in peace, they "tear the leaves" also for this reason. From the time that they have commenced to take co-wives, a wife also can demand divorce for this reason. If they are separated on account of witchcraft, a woman may be married again without having had "the leaves torn", otherwise only when this has been properly done. The customary rule of separation because of the woman's adultery has been mentioned above. 586 178 586 754

If anyone's wife has been established to be a witch by five witch-finders, her husband will, together with the village council, give her in charge in the house of her parents or of her male relatives, and even a child of hers he will rob her of and keep; and if she has a sucking child, he will afterwards bring home this child of his, paying the woman for its support. There is no punishment or the like for this act, only the village council will get food. And if afterwards a daughter grows up and is married, this woman will not get the cloth given to a mother. 586

Nowadays, when a divorce is due to their not living in peace, the guilty person will have to pay a fine. If a man leaves his wife without any fault of hers, he will not get the brideprice paid back, and he will himself have to pay damages. Any children will belong to the man, and he will have to give his wife a cow, one bundle paddy, one brass-cup, and a piece of women's cloth. And if she feeds a sucking child of his, she will, when he fetches the child, get separately for this sixteen maunds paddy and one cloth. If there should have been any expense in connexion with the child during fever or illness, this also the mother will get.

If husband and wife separate on account of the woman's fault, the man will get the brideprice paid back, and the woman will get nothing. Food for the village council sitting in the matter they will take from both sides, five four-anna bits from each.

When the wife demands divorce because the husband has taken a co-wife, the man will not get the brideprice paid back, and he will have to give a cow, one bundle paddy, a cloth, and a brass-cup.

They tear the leaves in the following way: The village headmen and the village people of both sides come together. They put a leṭa with water on the ground, and make the husband and wife stand with this between them, facing each other. The headman of the husband's village then says: Well, you so and so, we the people of our village, invoosting the Day bonga, the Five mountain spirits, and the ancestors of old, having got good omens, a bullock on the right-hand side, a woodpecker on the left-hand side, we bound together, joined together the bonds like the lar climber, the bando climber[48]; for one day we did

[48] Lar here refers to the jom lar, Bauhinia Vahlii, W. & A. Bando is Spatholobus Roxburghii, Benth.

586 not join you two together, but for ever and always, like stone, like rock, until very old and white-haired, — now there is no guilt of ours; then as you two do not suit each other, what can we village people do? Now both of you consider in your heart, take warning for yourselves, otherwise some day in the future you might say about us: these people caused us to separate. Now then, you so and so, if you really will leave her for good, make your appeal to the Day spirit, the Five mountain spirits, the ancestors of old, and tear the leaves, or else, do not tear them.

Thereupon they make him stand on his left leg, and facing the sun-rise they make him raise his hands in supplication. Thereupon they give him three Sal-leaves[69]. He takes these, and with a piece of cloth round his neck he invokes the Day spirit and quickly tears the three leaves along the mid-ribs from the stalk to the top. Thereupon he turns round and with his right foot kicks over the loṭa with water and makes renunciation. And commencing from the village headman he salutes all there. The woman also salutes them in the same way.

[787] If the leaves are not torn straight along the mid-ribs when he tears them, people say, they are likely to meet again. And if the water in the loṭa does not all run out, then also they say, their affection has not been removed, perhaps they will again come together.

p. Outcasting.

684 Only because of two crimes the ancestors have made it a rule for us to outcaste people,
692 viz., sexual intercourse with people of another race or with a non-permissible relative. If
696 anyone misbehaves in such a way, the village headman calls the headmen of the neighbouring villages together and informs them. If it is proved, they inform the people of their respective villages saying to them: Don't eat and drink with so and so, or don't in the meantime get into marriage relations with them; otherwise you may be burnt by the same fire. But these people are not able to outcaste them; this is in the hand of the people of the country. Only when the matter is taken to the burnt forest, it is settled. At the council meeting during the hunt of the people of the country they publish the matter. If the Parganas, Dęsmąṅjhis, Mąṅjhis, and the people of the country do not get proofs, they punish those who have started the matter severely; but if it is proved, they order: Well, we shall fix used leaves in the ground for them. The young men of the country then compose songs, and going to the village they sing praising them and mentioning the names and sins of those who have committed the crime. All the people of the country enter the village street, blowing flutes and drumming kettle-drums, and in the street outside the house of the miscreants they fix in the ground a post to which

[69] Shorea robusta, Gaertn., the sacred tree of the Santals.

2: Skreforud M-5 (1870-1871) 1942 AW42 Santal AW42

593 578 angrily to him, she will meet him with abuse: Pour out yourself and gulp it down, did she not give you any? He may be thirsty. She will abuse and scold him, until she makes him angry. Now men cannot take it up with women as regards the mouth; therefore he becomes furious and thrashes her, so that she lies there done for. The woman will howl and abuse him foully: That woman you have, stab your woman! Bring her, let her cook, gnash it both of you, heaps of it; your stomach, is it not expanding? You blind fool, you staring wretch, die like a beast; did you not see me then? Your burst eyes! Were they in your neck? I will not stay here; do you imagine you are the only man existing? And the children bowl uproariously; they run out and cry: Come here, Father, [627] come here, Father, he is killing our mother. The village people then come and warn the two; and if such happens often, they fine them after having found out what the fault is. Some women are very lazy and squander everything. Some men also are very bad-tempered; without any reason they beat their wives; they find fault with the food and the work, when it is good; all day long they scowl at their wives, and they speak only roughly and harshly to them. And some men squander everything by beer-drinking. When the man or the [586] woman, or both of them, continue bad in this way they separate, that is to say, some people do; but some people will not separate, because they feel pity for the children. Such people live in great trouble.

h. The sorrows and joys of father, mother, and children.

593 861 Parents will not beat their children wantonly, if they do not become angry; and they will rather themselves not take food, but, if there is any food, they will give it to the children. In the presence of the mother the father is unable to beat the children; their mother will protect them. And there is very little done in the way of punishing children; therefore they live as they like. If they do not obey when they have been ordered to do something once or twice, the parents will leave them alone and be done with it. And if they are beaten or the like, the children will run away sulky to relatives. These will not upbraid them and send them home; they let them stay; thereby the children get courage. The parents are forced to go to fetch them, and only by coaxing them are they able to bring them home. Also when grown up, the children will commit faults without fear, because they themselves are not punished; the parents are punished. The Santals have much trouble with their children, because the children are not kept in discipline. So long as they are small or live in the houses of their parents, children will not get what they deserve for their bad behaviour; but in their time they will get full retribution for not having respected their parents. Sometimes when they have become utterly worried, the parents will say to their misbehaving children: You young fellow, or you young girl, when we both are no more, you will not get enough water even to clean yourself, and you will be carried away like a whirlwind.

3t Mukherjea O. Y-4,5 (ca. 1933-1939) 1962
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to a man, on the death of the man, such a domesticated daughter's husband has no rights. If a Santal dies leaving such a son-in-law who again loses his wife, the property goes to the agnates of his father-in-law. 428 606

Partition

Partitions, in Mayurbhanj, follow the *Mitakshòra* branch of Hindu law, but the parties to a partition, in most cases, voluntarily allow a bigger share to the eldest brother or to his heirs, as *Iyasthangshò* (the share of the eldest brother). 428 [177]

Legal status of Santal women 562

In Mayurbhanj: The legal status enjoyed by Santal women in Mayurbhanj can be described as follows:—

(1) If a married man has no child, he can marry again according to Santal customary law. Bride-price is paid in both cases. [587] [583]

(2) If a man has more than one wife, even if some of them might be called *rakhni* (mistress, lit. a kept woman) they inherit equally. [595] [428]

(3) A man can marry as many wives as he likes, but a woman cannot have more than one husband at a time. [595]

(4) *Punchayets* as well as law-courts will give relief to the wife, even if called "*rakhni*," who is deserted by her husband or not given maintenance. [586] [736]

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562 178 are observed in practice to exercise a position in the domestic life, which rightfully belongs to the housewife in the western sense of the term. Moreover, [177] education, contact with the liberalising tendencies of the west filtered through the Missionaries and of the *Dekos* (non-Santals), have to a large extent softened the rigidity of old tribal laws to more and more advanced ideals.

583 The pivot of the woman's existence, according to the Santal, depends on her marriage. But to marry her one must buy her with a price. This bride-price, *Gònòñ*, as the Santal calls it, is as essential in a Santal marriage as the *Saptapadi* is to the Hindu, or the eating together from the same plate to the Burmese. So the legal corollary is that the husband is the 'owner' of his wife as a parcel of property.

• 586 583 The courts present interesting cases of Santal divorce when the settlement of the bride-price becomes the most important factor in the decree. Should the woman be proved the guilty party, the bride-price has got to be returned to the injured husband. If the woman is proved on evidence to be erring, and adultery is proved against her, the co-respondent must pay a double *Gònòñ* (bride-price) to the husband of the woman. But if the man is the offending party, his bride-price is forfeited.

St Mukherjea O. Y-4, 5 (ca. 1933-1939) 1902
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562 422 [586] Here only cases are different. Should a wife be divorced without any fault of hers, the tribal customs now entitle her to a cow, some paddy and some utensils. These become her personal property. Similarly, the sheaf of paddy that Santal girls reap during the *Sohrae*, their harvest-festival, is stored by her as her personal property. She has the fullest ownership over the money she would get by selling such paddy. The widow without any sons also has her property, in case she is sent to her parent's family.

562 434 But the case of a woman working and earning money presents an interesting problem. Should she be entitled to the fruit of her labour legally? In solving this, a distinction is made between work done by a woman in excess of providing for her own food, and the work, say, of a daughter of the family, ordinarily. In the former case, she is permitted by customary law to save the earning she made, over and above that goes towards her food; but in the latter case, it will go generally to her parents or guardians.

562 423 So far we have discussed the rights of Santal women in regard to the acquisition of movable properties; but when we come to the question of immovable properties, we find the tribal laws are very apathetic towards her, for she has no rights of inheritance or occupancy of lands. The reason

3s Mukherjea O. Y-4, 5 (ca. 1933-1939) 1902
AW42 Santal AW42

583 Her answer may be an affirmation or a denial ; but in any case, she has, according to tribal laws, got to be married to her captor and a date is fixed and the bride-price settled. It is to be noted, however, that the payment of bride-price is a compulsory item in such marriages, whereas in love marriages it is optional. A special fine also is levied on the kidnapper, which goes to the village elders for their feasts and drinks. Such marriages [584] are quite valid in the eye of tribal law, and should the girl refuse to live with the boy, even then she must be formally divorced, so as to marry another.

Various reasons prompt Santals to have recourse to this method. Sometimes it is done to humiliate a girl in the public eye ; while there are instances, cited during our investigation at Mayurbhanj, of such girls found to be secret consenting parties to their capture, when they found their parents opposed to the alliance.

583 (3) Baha Dor Bapla
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585 One of the most unsophisticated of human marriages can be seen in the Santal form of *Baha Dor Bapla*, thought by some to be the original Santal ceremony, which supposes a marriage to be a completed one, if a boy and a girl run to the jungle, garland each other, and on their return shut them-

31 Mukherjee O. Y-4,5 (ca. 1933-1939) 1962
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The old Santal would not grow potato due to their conservative instincts even when Pontet asked them, now they grow it along with tomato. The women now wear mill-made saris and in the urban areas of Santal Parganas, they seem indistinguishable from their Hindu sisters, because in fairs and rallies, they generally dress alike. Some widows, it has been seen at Bolpur, dress themselves in white. It is interesting to hear that in some areas, there is lesser divorce. And due to the impact of new ideas women's right in inheritance is being slowly recognised by the state and the society through indirect legal fictions.

With ideas of reform in the atmosphere, some acting as disintegrating forces, others operating on a constructive basis, it was no surprise to us to come across a manifesto signed by some prominent educated Santals of Bengal and some parts of Bihar calling upon their brethren of Midnapore, Bankura, Manbhum, Singbhum and other areas to engage in social reforms for the maintenance of their tribal honour. It stated that the Santals had firmly resolved that:

1. No Santal, man or woman, should drink *Pochoi* (rice-beer) in shops as the tribe had been ruined by drink while the grog-shop owners and *mahajans* were becoming rich. Temperance would help the Santals financially.

N Mukherjea O. Y-4,5 (ca. 1933-1939) 1952
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Whatever that may be, a sane admonition is now given to the erring by sensible parents and we understand that even married men are reproached by their parents or superiors if they indulge in adultery.

Santal women, in sexual matters, are the passive type found in the sex in general. If the term 'masochistic' can be applied to such a nature, they are undoubtedly so. We enquired to find out cases of women possessing a sadistic nature and gathered that instances of women beating men for economic reasons or domestic infidelity are not at all rare. But the witnesses stoutly maintained that such cases had nothing to do with the infliction of pain for the joy of it, and women as a sex do never take the lead in coitus or mastery in cohabitation.

But in married-life, should the husband be sexually unsatisfactory and fail habitually to satisfy the cravings of his wife for intercourse, the wife unfailingly sues for divorce and changes the husband for a more capable one. As one Santal puts it, "Failure to satisfy the sexual passion is the primary reason for divorces. Women can stand starvation in food as she can work and earn it, but if the husband fails to be a satisfactory partner in mating, she will leave him immediately."

The place of sex in the tribal life

Any one visiting a Santal rally at a dance or a festival, we dare say, will be struck with the

4: Biswas D, E-3, 4 (1931-1945) 1956
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After that the boy has to pay sufficient money as fines to provide a feast for the whole village[1].

Tunki Dipil Bapla: This type of marriage is performed by poor men. As they have not sufficient money to bear the expenses of the regular marriage (Raibar Bapla) they resort to this type, in which the bride is brought to the house of the bridegroom with a small basket on her head, a few friends and relatives accompany her to her house. The bridegroom in the presence of these persons applies vermilion mark on her head and a feast is then arranged and the couple then live as husband and wife.

Itut Bapla: This is adopted by forward young men who are not quite sure whether the girl they fancy will accept them, and take this means of compelling her to marry. The man taking some vermilion on his fingers watches his opportunity at the fair or on any similar occasion, marks the girl he is in love with on the forehead and claims her as his wife. Doing this he runs away at full speed to escape from the thrashing he may expect at the hands of her relations if he is caught on the spot. In any case the girl's relatives will go to his village and will obtain from the headmen the permission to kill and eat three of the goats of the offender or of his father and a double bride-price must be paid for the girl. The marriage is however legal and if the girl still declines to live with the man, she must be divorced in full form and cannot again be married as a spinster.

[1]Uma Chowdhury—Marriage Customs of the Santals—Bulletin of the Department of Anthropology Vol. I No. 1 January, 1952 pp. 104-105.

4: Biswas D, E-3, 4 (1931-1945) 1956
AW42 Santal AW42
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583 584 **Nirbolok Bapla**: This form may be said to be the female variety of 'Itut'. A girl, who cannot get a man whom she likes in the regular way, takes a pot of rice-beer (pachawee), enters his house and insists upon staying there. They do not adopt any physical force to expel her from the house. It is said to be quite fair and usually effective to throw red pepper on the fire as by inhaling the smoke she is compelled to run away, but if she passes this endurance test without leaving the house, she is held to have won her husband and the family is bound to recognize her.

• 586 **Divorce**: Divorce is a common sequel to Santal marriage and is granted at the wish of either husband or wife. Following are the grounds for which the Santal men and women demand divorce. The husband can demand divorce if his wife is proved to be a witch, or is sexually immoral and if she does not obey him or lives all the time in her father's house. The wife can claim divorce if her husband cannot supply her with sufficient food, clothing, ornaments, etc. Sterility is also an important ground for divorce. The one who wants a divorce is expected to bear the expenses. In case the husband seeks divorce he cannot claim the bride-price originally paid and also has to pay a fine of Rs. 5 and give the woman a piece of cloth. If, on the other hand, it is the wife who demands divorce without just cause, her father has to refund the bride-price to her husband. If adultery is proved against her the co-respondent is called a thief and has to pay Rs. 60 as fine. If the man is guilty, the bride-price is forfeited. The divorce is effected in the [516] presence of the assembled villagers in the following

4: Biswas D, E-3, 4 (1931-1945) 1956
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way : the husband is made to stand facing the sun on one leg (generally the left). He has a cloth round his neck each end of which is held in the hand along with three sal leaves. Then taking the name of Sin-Bonga he tears the sal leaves in token of separation and upsets a brass pot full of water. This is repeated by the wife also.[1]

Birth and Naming Ceremony : When the Santal woman becomes pregnant, she and her husband observe certain taboos. The husband during his wife's pregnancy never kills any animal, nor participates in any funeral ceremony and does not come in contact with any dead body. The pregnant woman during the evening very rarely comes out of the house, she never crosses any streamlet, she does not weep when any death occurs of her relations. On the day of the moon-eclipse she does not come out of the room. She should not sit on the verandah with her hair or her cloth hanging down on the courtyard side. All these taboos signify that the Santals have a strong belief that malevolent spirits or witches do mischief to the pregnant women.

The Santals believe that after ten months the women give birth. When the labour pain starts the pregnant woman is confined in a room, which is generally a corner of the house or a portion of the verandah partitioned with bamboo and leaves. At birth, an experienced elderly woman of the village or of the adjoining village officiates as midwife. No one is allowed to remain there except one or two female relatives of the pregnant woman. After birth, the umbilical cord is

[1]There is a belief that if the sal leaves are not fully torn or the lota not wholly emptied then the couple must again come together.

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law", comes to live there. This arrangement is common to all agricultural communities in Bengal. Among the Santals no bride price has to be paid, and in some instances the marriage ceremony is postponed till the end of a trial period during which the youth lives in the home of his future father-in-law and works for him without wages. He is accepted as the girl's husband when he is known to be a good worker, and thereby he also establishes his claim to receiving a portion of the land when his father-in-law dies. He does not change his clan, for this he cannot do, but he and his heirs can inherit from his wife's father. Hence this form of marriage furnishes the only exception to the rule that land must not pass out of the possession of the clan.

The term for divorce comes from the symbolic act that accompanies it. It is *sakam orec'*, or "leaf tearing". There are two sufficient reasons for a man to divorce his wife. The first is infidelity and the second is witchcraft. As marriage is a contract that involves two villages, representatives of both villages are summoned to sanction the divorce. The bride's father is compelled to return the bride price and the husband makes formal declaration of the divorce. He takes a *sarjom* leaf between his hands and tears it down the centre in token of the dissolution of the marriage tie. Then he has to provide a meal for those who have been summoned to the council. Owing to the fact that the bride price has to be repaid to the husband's family, the parents of the bride frequently object to the action, and where the guilt of the wife requires to be proved the proceedings may drag on for several months. If her parents can show that some blame attaches to the husband they can retain the bride price, and this they usually wish to do even when they do not desire their daughter to be reinstated in her husband's home. Until the bride price has been repaid the formal dissolution cannot take place.

A wife cannot formally divorce her husband, but she can, and sometimes does, refuse to continue to live with him. The problem of the runaway wife is one that is continually exercising the Santal village community, a fact that suggests the existence of many underlying strains. The mother-in-law is frequently blamed. In one family well known to me the wife of the younger son ran to her own home during the cultivation season in several successive years. At that time her presence was greatly needed to help with the fields, and she asserted her rights by running away. Her own explanation was that her mother-in-law made her work too hard and did not give her enough to eat. She remained with her own parents, who were not unwilling to feed

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586 [606] her while she could be of service to them, but would return her to her husband after a lapse of two or three months. They settled down to normal married life after the mother-in-law had become aged and enfeebled by rheumatism. Sometimes a wife who suffers from continuous fever refuses to stay in her husband's home, and if there are other causes of discontent her refusal may become permanent, in which case her father has to return the bride price and she becomes free to marry elsewhere.

684 Although the standards of Santal morality allow for a wide variety of sexual behaviour, once those standards have been flouted society can be fiercely intolerant. In the spring of 1939 a daughter of the village priest at Barikul who was married to a "house son-in-law" was discovered in the act of having sexual intercourse with a young man of the same village in the adjoining forest. There was some delay in taking action, for the headman from the aggrieved husband's village was asked to attend the council. The elders meanwhile extorted a preliminary fine of ten rupees from the guilty man, at which the young men were enraged. One of them said: "When we are guilty of small faults you fine us five rupees; in future you should take only five annas from us." When the council met, the amount of the fine was raised to sixty rupees. This was raised within two hours by the man selling all the livestock that he possessed. Of this sum, five rupees was for the villagers of Barikul, five rupees for the fellow villagers of the aggrieved husband, and the balance was paid to the aggrieved husband to enable him to find another wife. He was also allowed to collect from the home certain things that he had earned while living there—a spade, an axe and the [586] brass cooking utensils. Ordinarily when a home is broken up such [587] things are divided between the husband and the wife. On the same evening a party of the villagers accompanied him to a neighbouring village and completed a marriage ceremony for him with a new wife. Most of the usual formalities were omitted, but a bride price was paid and the marriage sealed. The guilty man was required to take the wife into his own home, but when next day the villagers found that this had not been done they went to the priest's home, where they found the young woman lying on the floor seriously ill. In spite of her condition, they took her down to her paramour's home, only to be met by his irate wife and mother brandishing axes. She was taken back to her own home and the council was again summoned. The elders by [762] now had become seriously alarmed by the possibility of violence, and were relieved rather than otherwise when word was brought